

RECEIVED
CENTRAL FAX CENTER
SEP 19 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/573,624
Filing Date: March 28, 2006
Applicant(s): WALL, Patrick Joseph
Title: BRACKET STRIPPING

Group Art Unit: 3632
Examiner: King, Anita M.
Atty. Docket: 40735035/54536US

**REQUEST FOR RECONSIDERATION OF
REQUIREMENT FOR RESTRICTION
(37 CFR §1.143)**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In Response to the Office Action of August 29, 2007, reconsideration of the restriction requirement is requested in light of the following comments.

1. Summary of Restriction Requirement

The Examiner contends that the inventions claimed in the following groups are patentably distinct and require restriction to a single group:

Group I: The product of claims 11-21 and 27-30.

Group II: The process of claims 22-26.

2. Provisional Election of Group (37 CFR §1.143)

Group I (claims 11-21 and 27-30) is provisionally elected for further examination, with traverse being presented in Section 3 of this Response.

I certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office as follows:

3632
Group Art Unit

(571) 273-8300
Facsimile No.

19 Sept. 2007
Date

W. Anna Layton
Signature

RECEIVED
CENTRAL FAX CENTER
SEP 19 2007

3. Traverse

The claims relate to a single inventive concept as per PCT Rule 13.1 (and as per 37 CFR §1.475 and MPEP 1893.03(d) / 1850), and thus withdrawal of the restriction is requested. The Office Action alleges that:

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the method can be used to form a totally different object and the bracket can be formed by another method such as molding or heating the sheet of material to form the bracket and each invention has a different classification.

However, the method of Group II (claims 22-26) cannot in fact be used to form a totally different object than the bracket of Group I (claims 11-21 and 27-30), as the claims are *explicitly directed* to forming a bracket. Further, the bracket of Group I (claims 11-21 and 27-30) cannot in fact be formed by another method, since even if "molding or heating the sheet of material" was performed (as asserted by the Office Action), the bracket would still require folding or cutting of the sheet, as recited in the method of Group II (claims 22-26). Here, the Groups plainly have unity of invention as per 37 CFR §1.475(b)(1), which states that "A process is 'specially adapted' for the manufacture of a product if the claimed process inherently produces the claimed product with the technical relationship being present between the claimed process and the claimed product." See also MPEP 1893.03(d):

A process is "specially adapted" for the manufacture of a product if the claimed process inherently produces the claimed product with the technical relationship being present between the claimed process and the claimed product. The expression "specially adapted" does not imply that the product could not also be manufactured by a different process.

As noted above, the method of Group II (claims 22-26) is explicitly directed to forming the bracket of Group I (claims 11-21 and 27-30), and thus unity of invention is present as per 37 CFR §1.475(b)(1) and MPEP 1893.03(d).

The Office Action also states that the inventions of Groups I and II do not relate to a single inventive concept as per PCT Rule 13.1 because "each invention has a different classification." However, please note that whether "each invention has a different classification" is irrelevant to whether the inventions relate to a single general inventive concept as per 37 CFR §1.475 and MPEP

RECEIVED
CENTRAL FAX CENTER
SEP 19 2007

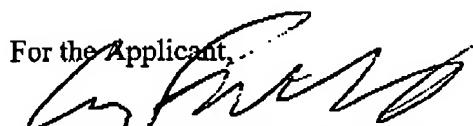
1893.03(d) / 1850. The Office Action appears to be incorrectly attempting to apply US restriction standards (that of MPEP 806.05(f)), as opposed to the unity of invention standard required by MPEP 1893.03(d) ("Examiners are reminded that unity of invention (not restriction) practice is applicable in international applications (both Chapter I and II) and in national stage applications submitted under 35 U.S.C. 371.") Thus, it is irrelevant whether "each invention has a different classification."

Because the method of Group II (claims 22-26) is explicitly directed to forming the bracket of Group I (claims 11-21 and 27-30), unity of invention is present as per 37 CFR §1.475(b)(1) and MPEP 1893.03(d), and the restriction should be withdrawn.

4. In Closing

If any questions regarding the application arise, please contact the undersigned attorney. Telephone calls related to this application are welcomed and encouraged. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

For the Applicant



Craig A. Fieschko, Reg. No. 39,668
DEWITT ROSS & STEVENS S.C.
Excelsior Financial Centre
8000 Excelsior Drive, Suite 401
Madison, Wisconsin 53717-1914
Telephone: (608) 828-0722
Facsimile: (608) 831-2106
cf@dewittross.com